

**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
July 10, 2012

Council District 3

Zoning Commission Recommendation:

Approval by a vote of 9-0

Opposition: none

Continued	Yes ___	No <u>X</u>
Case Manager	<u>Stephen Murray</u>	
Surplus	Yes ___	No <u>X</u>
Council Initiated	Yes ___	No <u>X</u>

Owner / Applicant: Bryant Irvin Capital, LLC

Site Location: 7001 Bryant Irvin Road Mapsco: 102B

Proposed Use: Memory Care Facility

Request: From: "E" Neighborhood Commercial and "PD 396"

To: Amend PD 396 to add additional property and to provide the required site plan for assisted living

Land Use Compatibility: Requested change **is compatible.**

Comprehensive Plan Consistency: Requested change **is consistent.**

Background:

The proposed site is located on Bryant Irvin Road north of the corner of Dutch Branch Road. The applicant is proposing a zoning change from "E" Neighborhood Commercial and "PD 396" to amend "PD 396" to add additional property to the PD and to provide the required site plan for assisted living. PD 396 was approved in April 2001 with limited uses, including a care facility, and the following additional restrictions:

1. No building, vehicular parking, or vehicular maneuvering areas shall be constructed within twenty-five (25) feet of lots 18R1 through 23R1, and Lot 56, Block 1, Quail Ridge Addition;
2. Light poles within this "PDSU" District shall be limited to 20 feet in height and shall be shielded away from residential property. No pole lighting shall be located within 25 feet of the residential property. Any building-mounted lighting shall be shielded away from residential property;
3. Detached signs shall be ground-mounted, and monument-style signs shall not exceed 8 feet in height and 8 feet in width; and
4. Site plan required.

The proposed facility is an approved use from the list provided by the PD and within current "E" standards. However, the applicant has dual zoning and would like to have the same zoning for their entire tract. In addition, the PD requires a site plan, which allows for more neighborhood control on the final product. The applicant meets the development standard requirements on the site plan.

Site Information:

Owner: Bryant Irvin Capital, LLC
801 Cherry St, Suite 3700, Unit 19

Fort Worth TX, Texas 76102

Agent: Meridian Realty Advisors
Acreage: 5.46 acres
Comprehensive Plan Sector: Wedgwood

Surrounding Zoning and Land Uses:

North "E" Neighborhood Commercial; "CR" Low Density Residential / vacant
East "A-5" One-Family / single-family
South "F" General Commercial / vacant
West A-5" One-Family; "R-1" Zero Lot Line/Cluster / single-family

Site Plan Comments:

The site plan as submitted is in general compliance with the zoning regulations.

Platting site plan comments:

1. This property must be replatted prior to submitting for a building permit. Cannot get a building permit for a partial lot.

Transportation/Public Works (TPW) site plan comments:

Comments made by TPW and Platting staff cannot be waived through the Zoning Commission. Approval of the site plan does not constitute TPW acceptance of conditions; traffic code will be applied to the project.

Recent Relevant Zoning and Platting History:

Zoning History: ZC-01-019, from "CR" and "E" to PD/SU; site plan required, approved 2001.

Platting History: None

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
Bryant Irvin	Principal Arterial	Principal Arterial	No

Public Notification:

The following Neighborhood Associations were notified:

Quail Ridge Estates	Mira Vista
Quail Ridge Estates Phase II	Briarcliff Estates
Vista Ridge Addition	Crowley ISD

Development Impact Analysis:

1. Land Use Compatibility

The applicant is proposing a zone change from "A-5" One-Family to Amend PD 396 to add additional property and to provide the required site plan for assisted living. Surrounding land uses are primarily single-family with vacant land directly north. The proposed zoning is an allowed use in both the "E" and requested PD, requires more stringent standards than what is currently allowed in "E", and fronts a principal arterial.

As a result, the proposed zoning **is compatible** with surrounding land uses.

2. Comprehensive Plan Consistency

The 2012 Comprehensive Plan designates the subject property as neighborhood commercial. The proposed "PD" zoning is consistent with the following Comprehensive Plan policies:

- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 38)

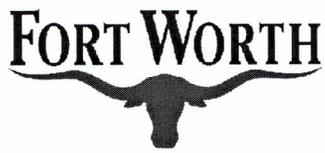
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses.

Based on the conformance with the future land use map and policies stated above, the proposed zoning **is consistent** with the Comprehensive Plan.

To view the Comprehensive Plan: <http://www.fortworthgov.org/planninganddevelopment/misc.aspx?id=81678>

Attachments:

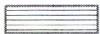
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site Plan
- Minutes of the Zoning Commission meeting

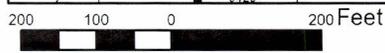


ZC-12-054

Area Zoning Map

Applicant: Bryant Irvin Capital LLC
 Address: 7001 Bryant Irvin Road
 Zoning From: E, PD 396
 Zoning To: Amend PD396 to add property for memory care facility
 Acres: 5.46255291
 Mapsco: 102b
 Sector/District: Wedgwood
 Commission Date: 06/13/2012
 Contact: 817-392-8043

 300 Ft. Notification Buffer

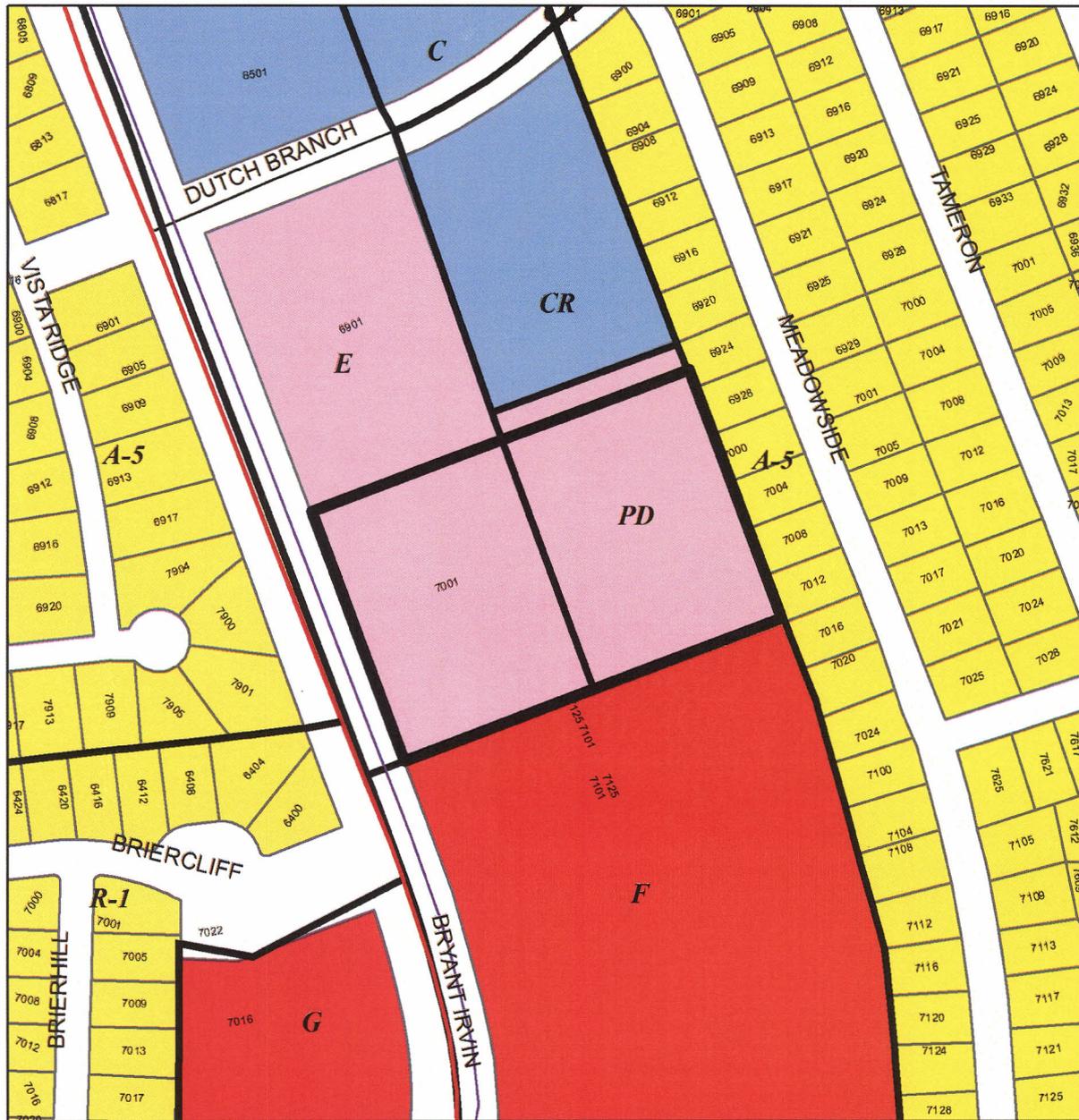




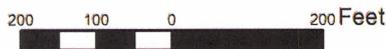
7001 Bryant Irvin Road

Future Land Use

ZC-12-054



- | | | |
|-----------------------------------|--------------------------|-----------------------------|
| Vacant, Undeveloped, Agricultural | Neighborhood Commercial | CFWGIS.SDE.TRN_RAILROADS |
| Rural Residential | General Commercial | CFWGIS.SDE.CAD_addresses |
| Suburban Residential | Light Industrial | Freeways/Toll Roads |
| Single Family Residential | Heavy Industrial | Proposed Freeway/Toll Road |
| Manufactured Housing | Mixed-Use Growth Center | Principal Arterial |
| Low Density Residential | Industrial Growth Center | Proposed Principal Arterial |
| Medium Density Residential | Infrastructure | Major Arterial |
| High Density Residential | Lakes and Ponds | Proposed Major Arterial |
| Institutional | Public Park, Open Space | Minor Arterial |
| | Private Park, Open Space | Proposed Minor Arterial |
| | | Flood Plain |



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government code, Section 219.005) Land use designations were approved by City Council on March 06, 2012



Aerial Photo Map



Mr. West asked if the properties to the east were part of his development. Mr. Moore said yes and has paved some of the streets to the south. Mr. West asked if any of the streets connect to commercial. Ms. Burghdoff mentioned residential streets have to cul-de-sac at commercial properties.

Karen Hamilton, 6251 Sika Deer Run, Fort Worth, Texas spoke in opposition. She mentioned she lives on the corner one lot over from the proposed zoning change. She purchased her home thinking it was going to be a single-family development. Ms. Hamilton is concerned about more traffic in the neighborhood. They already have traffic cutting through along Axis Deer from Bailey Boswell High School. She stated no one has contacted the neighborhood about this proposal and is requesting it be continued so they can talk.

Janice Congress, 6255 Sika Deer Run, Fort Worth, Texas also spoke in opposition. Ms. Congress is the National Night out Coordinator for the Lake Country area and a board member for the Fire and Police Academy. She mentioned on several occasions as a resident she has tried to reach out to Mr. Morris for a meet and greet and has never heard back from him. She also reiterated no one has contacted them about the zoning change and would like this to be continued for 30 days to meet with the owner/applicant.

Lucia Wilkes, 6248 Spring Buck Run, Fort Worth, Texas also spoke in opposition.

In rebuttal Mr. Moore mentioned he would request to continue for 30 days in order for him to meet with the neighborhood.

Ms. Zadeh commended him on setting up a meeting with the neighborhood and that it is a major change for them.

Motion: Following brief discussion, Mr. Genua recommended a 30 day continuance of the request, seconded by Mr. West. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				ZC-12-053	
Name	Address	In/Out 200 notification area	ft	Position on case	Summary
Karen Hamilton	6251 Sika Deer Run	In		Opposition	Spoke at hearing
Janice Congress	6255 Sika Deer Run	In		Opposition	Spoke at hearing
Lucia Wilkes	6248 Spring Buck Run	Out		Opposition	Spoke at hearing
Ineable Aparicio	8516 Axis Deer Run	In		Opposition	Sent letter in

10. ZC-12-054 Bryant Irvin Capital LLC (CD 3)- 7001 Bryant Irvin Road (John F. Heath Survey, Abstract No. 641, 5.46 Acres): from "E" Neighborhood Commercial and "PD-396" to Amend "PD-396" to add additional property and provide the required site plan for assisted living.

Gerald Monk, 2426 Brookcrest Plaza, Garland, Texas representing Bryant Irvin Capital LLC explained to the Commissioners they are requesting to rezone in order to allow for an assisted living memory care facility.

Ms. Zadeh asked for clarification on the revised staff report. Ms. Murphy explained the report reflects compliance and there are no waivers required.

Mr. Edmonds asked for clarification on the zoning. Ms. Murphy explained the legal description is correct and that sometimes on the mapping system it doesn't always line up correctly.

Mr. West asked if there had been any communication with the neighborhood. Mr. Monk said the owner will be meeting with the neighborhood on the 28th and has spoken to the HOA and there was no objection to it.

Motion: Following brief discussion, Mr. West recommended approval of the request, seconded by Ms. Spann. The motion carried unanimously 9-0.

11. ZC-12-055 Crown Valley Acquisitions South, LP (CD 2)- 11501 and 11601 Timberland Boulevard (James H. Eastman Survey, Abstract No. 501, 13.60 Acres): from "CF" Community Facilities and "E" Neighborhood Commercial to "A-5" One-Family

Travis Clegg, 5751 Kroger Drive, Keller, Texas representing Crown Valley Acquisitions South, LP explained the request to the Commissioners. Mr. Clegg mentioned this is part of the Woodland Springs West development. There are currently 2600 single-family lots and they are requesting to rezone to add 52 more lots.

Mr. Ortiz asked how he would plat this area. Mr. Clegg provided a map that shows the lot layout. They've tried to sell the lot as a commercial property and have had no luck over the last eight years. Mr. Clegg did mention there is a greenbelt/open space about 200 feet wide the separates the single-family to the north and they are proposing nothing here.

Mr. West asked if all three corners at the intersection are vacant. Mr. Clegg said yes.

Motion: Following brief discussion, Ms. Spann recommended approval of the request, seconded by Mr. Genua. The motion carried unanimously 9-0.

<i>Document received for written correspondence</i>				ZC-12-055	
Name	Address	In/Out 200 notification area	ft	Position on case	Summary
KISD	na			Opposition	Sent letter in
Rodrigo Cantu	2500 Stable Door	In		Opposition	Sent letter in

12. ZC-12-056 City of Fort Worth Planning & Development (CD 9)- 2200 Block W. Rosedale Street S. (Mistletoe Heights Addition, Block 7, Lots 25 – 32 and Lots 36 - 48, 1.63